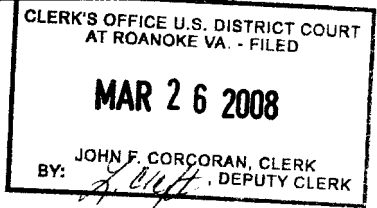


# UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America )

v. )

Edward Donnell Latten )

Date of Previous Judgment: June 11, 2003  
(Use Date of Last Amended Judgment if Applicable)

Case No: 7:00CR00005-001

USM No: 08345-084

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 114 months is reduced to 97 months\*.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>188</u> to <u>235</u> months	Amended Guideline Range: <u>151</u> to <u>188</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):

\*This reduced sentence of imprisonment consists of 67 months as to Count One; 67 months as to Count Four, to run concurrently with the sentence on Count One; and 30 months as to Count Three, to run consecutive to the sentences on Counts One and Four. The entire sentence is to run concurrent with any other active state or federal sentence.

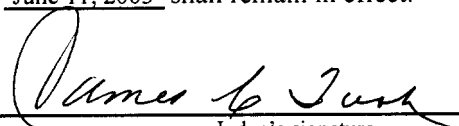
### III. ADDITIONAL COMMENTS

As the concurrent sentences imposed on Counts One and Four were both calculated under the crack cocaine sentencing guidelines, pursuant to U.S.S.G. § 5G1.2(b), the court hereby reduces each of the two sentences to 67 months imprisonment to run concurrently with each other, pursuant to 18 U.S.C. § 3582(c) and the 2007 retroactive amendments to the crack cocaine sentencing guidelines. The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled. The consecutive sentence of 30 months on Count Three remains unchanged.

Except as provided above, all provisions of the judgment dated June 11, 2003 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 26, 2008

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title